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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,412	10/07/2003	Kouji Shimizu	243705US2	3463
22850	7590	08/06/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CHANG, RICK KILTAE	
			ART UNIT 3726	PAPER NUMBER
			NOTIFICATION DATE 08/06/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/679,412

**Applicant(s)**

SHIMIZU ET AL.

**Examiner**

Rick K. Chang

**Art Unit**

3726

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16, 25, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) that are not listed in item 6 below is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 9, 25, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8-9, 25 and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Asai et al (US 6,378,198).

Re claim 25: Asai discloses a component mounting apparatus which has two board transfer devices (12) provided in parallel relation for respectively transferring boards in a predetermined transfer direction; at least one component supply device (14, 16) for supplying components of plural kinds to be mounted on the boards; at least one component placing device (18, 20) for picking up the components supplied from the at least one component supply device to mount the picked-up components on the boards; a shifting device provided at an entrance side of the component mounting apparatus for loading the boards selectively into the two board transfer devices; and a controller configured to select one production mode, from a first production mode and a second production mode, in which to operate the component mounting system, wherein in the first production mode, the at least one component placing device mounts components on two of the boards which have been transferred by the two board transfer devices to respective component mounting positions (col. 46, lines 9-11 and col. 49, lines 15-17; col. 2 to col. 17 of Asai disclose the controller select from a plurality of production modes), and in a

second production mode wherein one of the two board transfer devices is used as mounting conveyor where the at least one component placing device mounts components on the boards, while the other board transfer device is used as a bypass conveyor by which the boards unnecessary to have components mounted thereon are transferred to bypass the mounting operations at the one board transfer device.

Re claim 28: Asai discloses boards of various kinds are loaded and fed to the board transfer devices in, and wherein in the first production mode, the shifting device loads the boards selectively into the board transfer devices in dependence on the kinds thereof to effect mounting operations on the boards (col. 22, lines 63-67 and 36-67 and col. 49, lines 15-60), while in the second production mode, the shifting device loads boards on which components are to be mounted in the component mounting apparatus, into one of the transfer devices to effect mounting operations on the boards and loads boards on which any component is not to be mounted in the component mounting apparatus, into the other transfer device to make the board bypass the component mounting apparatus.

Re claim 29: Asai discloses an additional shifting device provided at an exit side of the component mounting apparatus for unloading the boards from the component mounting apparatus and a board discharge device connected to the additional shifting device for discharging any of the boards on which component mountings have been completed, from the component mounting system (col. 48, lines 44-67).

Re claim 1: Asai discloses that the at least one component placing device mounts the components simultaneously or alternately on two boards which have been transferred by the two board transfer devices to respective component mounting positions (col. 49, lines 15-17).

Re claim 2: Asai discloses that the at least one component supply device includes two component supply devices each arranged at the outside of the board transfer device associated thereto (Fig. 1).

Re claim 3: Asai discloses that each of the board transfer devices is adjustable to alter the transfer way width thereof in a direction perpendicular to the transfer direction (col. 22, lines 63-67).

Re claim 4: Asai discloses the at least one component placing device comprises a single component placing head (650).

Re claim 5: Asai discloses that a controller is provided for controlling the single component placing head to mount the components picked up from the at least one component supply device, on two boards alternately (Fig. 24 and col. 46, lines 9-11 and col. 49, lines 15-17).

Re claim 8: Asai discloses that the at least one component placing device comprises two component placing heads (650, 652), further comprising two head moving mechanisms for respectively for moving the two component placing heads independently of each other (Figs. 1-4).

Re claim 9: Asai discloses that a controller (Fig. 24) is provided for controlling one of the component placing heads to perform the component mountings mainly at one of the two board transfer devices and for controlling the other placing head to perform the component mountings mainly at the other board transfer device.

NOTE: When the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will inherently perform the claimed processes, a controller select either a first production mode or a second production mode

(col. 2 to col. 17 of Asai disclose the controller select from a plurality of production modes). In re King, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

#### ***Response to Arguments***

3. Applicant's arguments filed 4/23/09 have been fully considered but they are not persuasive.

When the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will inherently perform the claimed processes, a controller select either a first production mode or a second production mode (col. 2 to col. 17 of Asai disclose the controller select from a plurality of production modes). In re King, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

#### ***Interviews After Final***

4. Applicant note that an interview after a final rejection must be submitted briefly in writing the intended purpose and content of the interview (the agenda of the interview must be in writing). Upon review of the agenda, the Examiner may grant the interview if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations will be denied. See MPEP 714.13 and 713.09.

#### ***Conclusion***

5. Please provide reference numerals (either in parentheses next to the claimed limitation or in a table format with one column listing the claimed limitation and another column listing corresponding reference numerals in the remark section of the response to the Office Action) to all the claimed limitations as well as support in the disclosure for better clarity (optional).

Applicants are duly reminded that a full and proper response to this Office Action that includes any amendment to the claims and specification of the application as originally filed requires that the applicant point out the support for any amendment made to the disclosure, including the claims. See 37 CFR 1.111 and MPEP 2163.06.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick K. Chang whose telephone number is (571) 272-4564. The examiner can normally be reached on 5:30 AM to 1:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rick K. Chang/  
Primary Examiner, A.U. 3726

RC  
August 4, 2009